(4)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P.).

WRIT PET.NO. 4060 OF 1995

(UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA)

PETITION FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI/MANDAMUS/ PROBIBITION ETC. AND FOR APPROPRIATE FURTHER DIRECTIONS

1.R.S.P.GUPTA,AGED ABOUT 30 YEARS,S/O SHRI D.S.GUPTA OCCU:ASSTT.TEACHER,PRIMARY SCHOOL GANGAPUR KHURD,NORTH RANGE,DISTT:AMBIKAPUR(M.P.).

2.KU.JYOTSANA SHRIVASTAVA, AGED ABOUT 22 YEARS,D/O H.N.SHRIVASTAVA,OCCU:ASSTT. TEACHER,PRIMARY SCHOOL BAURIPARA,RANGE SADAR, DISTT: AMBIKAPUR(M.P.).

3.SUKHDEV PRAJAPATI,AGED ABOUT 55 YEARS,S/O SHRI CHAMRU PD. OCCU:ASSTT.TEACHER,PRIMARY SCHOOL CHOPURPARA,RANGE SADAR AMBIKAPUR(M.P.).

4.SMT.ANNAPURNA GUPTA,AGED ABOUT 41 YEARS,W/O SHRI L.N.GUPTA, OCCU:ASSTT.TEACHER,GIRL'S PRIMARY SCHOOL BRAMMPARA,RANGE SADAR DISTT:AMBIKAPUR(M.P.).

5.PHOOLCHAND JAISWAL,AGED ABOUT 52 YEARS,S/O SHRI M.P.JAISWAL OCCU:ASSTT.TEACHER,MIDDLE SCHOOL SARGAWAN RANGE,NORTH AMBIKAPUR(M.P.).

6.GAURI SHANKER TIWARI,AGED ABOUT 46 YEARS,S/O SHRI MUKUTDHARI FUNDURDIHARI,RANGE NORTH AMBIKAPUR(M.P.).

7.SMT.SHOBHA SINGH,AGED ABOUT 35 YEARS, D/O BALVIR SINGH,OCCU:ASSTT.TEACHER, PRIMARY SCHOLL PACHPHEDI RANGE SADAR DISTT:AMBIKAPUR(M.P.).

8.SURYA KUMAR SINGH,AGED ABOUT 35 YEARS, S/O LATE SHRI S.B.SINGH,OCCU:ASSTT. TEACHER,PRIMARY SCHOOL,POLICE LINE, AMBIKAPUR(M.P.).

Smt. Kamla Verma Commissioner JBP

9. JAGANRAM PRADHAN, AGED ABOUT 34 YEARS, S/O SHRI BUDIYA RAM PRADHAN, OCCU: ASSTT. TEACHER, PRIMARY SCHOOL, JABNAGAR, SURAJPUR, DISTT: AMBIKAPUR (M.P.).

10. NIKUNJ BIHARI HALDHAR, AGED ABOUT 47 YEARS, S/O SHRI A.K. HALDHAR, OCCU: ASSTT. TEACHER, PRIMARY SCHOOL KHALEWA RANGE NORTH AMBIKAPUR (M.P.).

11. SHYAMJEE UPADHAYA, AGED ABOUT 54 YEARS, S/O SHRI GANESH UPADHAYA, OCCU: ASSTT. TEACHER, PRIMARY SCHOOL PACHPHEDI RANGE SADAR AMBIKAPUR (M.P.).

12. RAMCHANDRA TIWARI, AGED ABOUT 32 YEARS, S/O SHRI D.P. TIWARI, OCCU: ASSTT. TEACHER, MUNCIPAL PRIMARY SCHOOL BRAHMAPARA, RANGE SADAR, AMBIKAPUR (M.P.).

13. SMT. SHANTI EKKA, W/O SHRI B. EKKA, AGED ABOUT 35 YEARS, OCCU: ASSTT. TEACHER, PRIMARY SCHOOL SARGAWAN RANGE NORTH AMBIKAPUR (M.P.).

14. SMT. LAXMI GUPTA, AGED ABOUT 52 YEARS W/O SHRI S.N. GUPTA, OCCU: ASSTT. TEACHER PRIMARY SCHOOL MAYAPUR, RANGE EAST AMBIKAPUR (M.P.).

15. PRAKESH KUMAR SINGH CHOUHAN AGED ABOUT 46 YEARS, OCCU: ASSTT: TEACHER, MIDDLE SCHOOL BAURIPARA, RANGE SADAR, AMBIKAPUR (M.P.).

16. MANRAKHAN PRAJAPATI, AGED ABOUT 52 YEARS, OCCU: ASSTT. TEACHER, PRIMARY SCHOOL BRAMPARA, RANGE SADAR, AMBIKARUR (M.P.).

17. DEVKINANDAN SHUKLA, AGED ABOUT 48 YEARS, S/O LATE PARSHURAM SHUKLA OCCU: ASSTT. TEACHER, MUNICIPAL PRIMARY SCHOOL AMBIKAPUR (M.P.).

18. BALRAM RAJWADE, AGED ABOUT 34 YEARS, S/O SHRI KARIMAN RAM, OCCU: ASSTT: TEACHER, PRIMARY SCHOOL, NAVAGARH, RANGE EAST, AMBIKAPUR (M.P.).

19. SHAMBHU PRASAD MISHRA, AGED ABOUT 50 YEARS, S/O SHRI HARI PD. MISHRA OCCU: ASSTT: TEACHER, PRIMARY SCHOOL POLICE LINE AMBIKAPUR (M.P.).

20. KARIMAN RAM TIRKI, AGED ABOUT 39 YEARS, S/O SHRI C.R. TIRKI, OCCU: ASSTT. TEACHER, PRIMARY SCHOOL NAVAGARH, RANGE EAST, AMBIKAPUR (M.P.).

.....PETITIONERS

Smt. Kamla Verma
K. Verma
Commissioner

1) STATE OF MADHYA PRADESH;
THROUGH:SECRETARY,
SCHOOL EDUCATION, VALLABH
BHAWAN, BHOPAL (M.P.).

2) JOINT DIRECTOR,
PUBLIC INSTRUCTION,
DISTT:AMBIKAPUR (M.P.).

3) COLLECTOR,
DISTT:AMBIKAPUR (M.P.).

4) INCHARGE DEPUTY DIRECTOR,
SCHOOL EDUCATION,
DISTT:AMBIKAPUR (M.P.).

5) MADHYA PRADESH STATE ADMININSTRATIVE
TRIBUNAL PRINCIPAL BENCH,
DISTT: JABALPUR (M.P.).

... .RESPONDENTS

PETITION UNDER ARTICLE 227 OF

(69)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 4060 of 1995

Petitioners R. S. P Gupta & others

Versus

Respondents State of Madhya Pradesh (now Chhattisgarh) & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Anubhuti Marhas, Advocate for the petitioners.

Miss Sunita Jain, Panel Lawyer for the respondents.

ORDER

(Passed on this 19th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioners while working as Assistant Teachers were transferred to different places on the same terms and conditions vide impugned transfer order dated 18.10.1995.
2. This Court vide interim order dated 20.12.1995 directed for maintaining of status quo, as was existing on that day.
3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. The respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur